

1979

## The Military In American Society

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rallying mass support in the West and the Third World against American foreign policy initiatives and the production of modern U.S. military technology. For anyone wishing to delve further into any specific issue or geographic regions, the *Yearbook* also has a comprehensive bibliography of recent communist and non-communist works touching on given topical areas.

If some critics have taken issue with earlier editions regarding the uneven length and quality of various contributions on national party and front group organizations, it should be obvious to most observers of communist affairs that the availability of source materials and adequacy of media coverage frequently varies based on the solvency of individual party organizations. For the West European parties, which generally enjoy legal status, and those in Eastern Europe, that have total political power, there is an abundance of current materials. In contrast, those CPs that are either outlawed (e.g., Turkey and Egypt) or without a sophisticated media apparatus (e.g., Albania or Pol Pot's Cambodia of 1975-78) pose a much more difficult proposition for Western analysts. There is no indication that the *Yearbook's* contributors have failed to provide adequate coverage, both quantitatively and qualitatively, in line with the availability of current data from individual parties or from non-communist press coverage. Consequently, criticism of this sort becomes rather superficial and pretentious. The same can be said about comments critical of the *Yearbook's* annual statistical estimate of worldwide party strengths, now unique as the only set of quantitative data on the topic since the demise of the U.S. Department of State's *World Strength of Communist Party Organizations* annual series after its 1974 edition.

It is also difficult to find fault with the editor's attempts to broaden the *Yearbook's* analytical scope in recent

editions. This year, for example, he has added special treatments of the Warsaw Pact military alliance and the Council on Mutual Economic Assistance, its economic counterpart, in the East European/U.S.S.R. section. Moreover, Staar has reinstituted the very useful biographical section on prominent communist figures, like Pol Pot of Cambodia and Teraki of Afghanistan, who gained international attention in 1978. As a suggestion for next year's annual, one hopes that he will include a detailed assessment of the recent Sino-Vietnamese conflict in the Asian section.

Although increased publication costs have increased its price by some \$10 and diminished both its volume and print size, the *Yearbook* is still a bargain because of its outstanding reference value. In any case, the 1979 *Yearbook* stands as an indispensable research tool for both the serious scholar and the interested general reader in reaching informed judgments about the often intricate and always eventful realm of contemporary communist affairs.

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Every postwar period in modern American history has precipitated a reassessment of the legal system governing the Armed Forces of the United States. Our World War II experience, for example, brought about the enactment of the Uniform Code of Military Justice. The Korean war and its problems with the discipline of American prisoners of war resulted in renewed interest in the Code of Conduct. The Vietnam era likewise generated a reassessment that has focused primarily on the degree to which the American citizen "called to the colors" ought to be treated differently from his civilian counterpart with

respect to the exercise of his civil liberties.

This casebook attempts to respond to this modern day concern in a far more comprehensive fashion than most other recent works. Through author-editors with wide military and civilian legal experience, it undertakes the fundamental inquiry of how our jurisprudence has reconciled, in a variety of contexts, the values of an open, pluralistic, democratic society with the necessarily more structured, monolithic, and authoritarian context of that society's defense structure. The authors embark on this venture through an elaboration of the constitutional and statutory roots of American military power. The reader literally begins at the beginning with the Constitution of the United States and examines the jurisprudential foundation of all military authority and the division of that authority between the legislative and executive branches. Special attention is paid to the use of military power against civilians. The remaining chapters are built on this first one and cover the most common points of tension in the delicate accommodation of individual rights and military necessity—entry into the Armed Forces, the maintenance of discipline within the Armed Forces, the exercise of specific civil liberties by service members. Finally, the authors deal with the "new frontier" of military law—the accommodation of our national jurisprudence to the requirements of international society.

This volume is designed principally for university use. In that context, it

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ought to facilitate principled, dispassionate inquiry into the role of the military in our national life. Of course, to the military lawyer, long relegated to the task of shifting through stacks of Defense Department pamphlets and assorted statute books to maintain a current and integrated knowledge of the law governing his client, the value of this volume is obvious. It is comprehensive; it is specific; the case material is well-selected.

The book also will serve a larger audience. While I suspect he would welcome more explanatory text, the senior officer, charged with significant responsibility under the Constitution and laws of the United States, will find this volume of immeasurable assistance in assessing specific problems in the context of the total jurisprudential relationship of the civilian and military segments of our society. Indeed, the authors force the reader to address such matters as the speech rights of service personnel, the domestic use of military forces, and the extent of court-martial jurisdiction from a more complex but realistic perspective than the parochialism of a "civil libertarian" bias or a "military exigency" bias. In short by emphasizing the common roots of civil and military jurisprudence, the authors have made a significant contribution toward the reduction of the artificial civilian-military polarity that has too long hindered realistic legal analysis in this all-important area.

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